

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

JOHN LANTER, TIMOTHY  
CARMICHAEL, JEFFREY HOWARD,  
MICHAEL D. GOOCH, DENNIS R.  
KEEFE, ROBERT HAYES, COUNTY  
OF LANCASTER COUNTY,  
NEBRASKA, CITY OF LINCOLN,  
LINCOLN POLICE DEPARTMENT,  
SHRIEFF OFFICER UNKNOWN,  
COUNTY OF LANCASTER COUNTY  
SHRIEFF DEPARTMENT, CHIEF OF  
LINCOLN POLICE DEPARTMENT,  
and PUBLIC DEFENDER OFFICE,

Defendants.

**8:20CV62**

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On March 2, 2020, Plaintiff, a nonprisoner,<sup>1</sup> paid the filing fee in this case. At the direction of the court, this case is removed from the pro se docket. The clerk's office shall assign new judges to this case and request a reassignment order from the Chief Judge.

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<sup>1</sup> Plaintiff is "civilly committed" to the Norfolk Regional Center. ([Filing No. 1 at CM/ECF p. 1.](#)) Thus, Plaintiff is not a "prisoner" within the meaning of the PLRA. *See Reed v. Clarke*, No. 4:04CV3168, 2005 WL 1075092, at \*1 n.1 (D. Neb. May 5, 2005) ("The plaintiff is presently in the Lincoln Regional Center pursuant to a mental health commitment. The Prison Litigation Reform Act ('PLRA') does not apply to persons in custody pursuant to the Mental Health Commitment Act, as the definition of 'prisoner' in the PLRA does not include a person involuntarily committed for reasons of mental health.") (citing *Kolocotronis v. Morgan*, 247 F.3d 726, 728 (8th Cir.2001)).

With respect to reassignment of this case, the court is required to inform the Chief Judge pursuant to NEGenR [1.4\(a\)\(4\)\(B\)](#) that it appears the above-captioned case is “related” to *Jones v. Carter, et al.*, Case No. 8:19CV288 (D. Neb.), because both cases are based on the same facts. *See* NEGenR [1.4\(a\)\(4\)\(C\)](#) (Civil cases are “related” under this rule “when they involve some or all of the same issues of fact, arise out of the same transaction . . . .”); ([Filing No. 1 at CM/ECF p. 18](#) (Plaintiff asks court to “allow him refiling of his civil action Case No. 8:19CV288”).) In *Jones v. Carter, et al.*, Case No. 8:19CV288, the undersigned, as supervising pro se judge, dismissed the case without prejudice on July 30, 2019 upon initial review of Plaintiff’s Complaint. (Filing Nos. [8](#) & [9](#), Case No. 8:19CV288.) Accordingly, and pursuant to NEGenR [1.4\(a\)\(4\)](#),

IT IS ORDERED:

1. The filing fee has been paid in this case. At the direction of the court, this case is removed from the pro se docket. The clerk’s office shall assign new judges to this case and request a reassignment order from Chief Judge Gerrard.
2. Chief Judge Gerrard is hereby notified that the above-captioned case appears to be related to *Jones v. Carter, et al.*, Case No. 8:19CV288 (D. Neb.), within the meaning of NEGenR [1.4\(a\)\(4\)\(C\)](#), and that such case was previously assigned to the undersigned as supervising pro se judge.
3. The Clerk of Court shall transmit a copy of this Memorandum and Order to Chief Judge Gerrard.

Dated this 4th day of March, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge